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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RONNY LEYVA,

11 Plaintiff,

12 vs.

13 CATHERINE CORTEZ-MASTO, *et al.*,

14 Defendants.
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) 3:11-cv-00431-ECR-RAM
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16 **ORDER**

17 This is a prisoner civil rights action. Plaintiff Ronny Leyva, a prisoner at Ely State Prison
18 in Ely, Nevada submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1-1) and filed
19 an application to proceed in *forma pauperis* (ECF No. 1). The matter of the filing fee was temporarily
20 deferred until after it was determined if the complaint would be involved in settlement proceedings. The
21 original complaint was dismissed with leave to amend and plaintiff was given thirty days to file his
22 amended complaint. *See* ECF 3. The deadline for filing the amended complaint, July 21, 2011, has
23 passed and no amendment has been submitted and no request for additional time has been received.
24 Therefore, the Court can only conclude that plaintiff is unable to present a claim upon which relief may
25 be granted.

26 At this juncture, the application to proceed in *forma pauperis* shall be granted and the
complaint dismissed with prejudice

1 **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*
2 *pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to make an initial installment
3 toward the filing fee.⁸

4 **IT IS FURTHER ORDERED** that pursuant to 28 U.S.C. § 1915(b)(2), the Nevada
5 Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada,
6 20% of the preceding month's deposits to Ronny Leyva's account (**inmate #86247**), in the months that
7 the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of
8 the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall
9 also **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada
10 Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

11 **IT IS FURTHER ORDERED** that the Complaint (ECF No. 4) is **DISMISSED WITH**
12 **PREJUDICE** for failure to state a claim upon which relief may be granted. Any appeal taken from this
13 Order should be considered to be not taken in good faith.

14 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

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16 DATED this 9th day of August, 2011.

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19 UNITED STATES DISTRICT JUDGE
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